

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MBHB Case No. 07-1130

In re Application of:)	
)	
Kristen McRedmond)	Confirmation No. 4596
)	
Serial No.: 09/783,499)	Group Art Unit: 3692
)	
Filed: February 14, 2001)	Examiner: Nga B. Nguyen
)	
For: System and Method for Business)	
To Investor Exchange For Raising)	
Capital And For Creating A)	
Secondary Market for Private)	
Equity)	

Attn: Office of Petitions
Mail Stop: Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313

RENEWED PETITION UNDER 37 C.F.R. 1.137(B)

The above-identified application became abandoned for failure to file a timely response to the Communication mailed April 8, 2005. No extensions of time were obtained for responding to the Communication. Applicant filed a Petition Under 37 C.F.R. 1.137(b) on January 24, 2008.

Applicant respectfully renews the petition to revive the above mentioned unintentionally abandoned application. Applicant's failure to respond to the Office Action mailed April 8, 2005 was unintentional. The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. 1.137(b) was unintentional.

This renewed petition is accompanied by the following item:

1. Statement Supporting Renewed Petition under 37 C.F.R. 1.137(b).

The above document is submitted in the accompanying papers. Since this utility application was filed after June 8, 1995, no terminal disclaimer is required.

If the Office deems that additional fees are due, the Office is authorized to charge deposit account No. 13-2490.

Respectfully submitted,
McDONNELL BOEHNEN
HULBERT & BERGHOFF LLP

Date: January 21, 2009

By: /Scott M. Miller/
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STATEMENT SUPPORTING RENEWED PETITION UNDER 37 C.F.R. 1.137(B).

This statement is being filed in support of the Renewed Petition to Revive the above-referenced patent application under 37 C.F.R. 1.137(B).

1. The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. 1.137(b) was unintentional.
2. At the time of abandonment of the U.S. Patent Application Serial No. 09/783,499 (hereinafter "the '499 application"), I was the sole party having the right to reply to the outstanding Communication mailed April 8, 2005 (hereinafter "the outstanding Communication").
3. There is no other party or persons responsible and having first-hand knowledge regarding a required reply to the outstanding Communication. Further, there is no other party or persons responsible and having first-hand knowledge of the circumstances surrounding the unintentional delay, after the abandonment date, in seeking revival.
4. Prior to learning of the abandonment of the '499 application, I made no effort to reply to the outstanding Communication. However, the delay in learning of the abandonment of

the '499 application and the delay in replying to the outstanding Communication did not result from a deliberate course of action or inaction. The '499 application became abandoned while it was under my control and I made no effort to reply to the outstanding Communication prior to learning of the abandonment because (i) I was completely unaware that the outstanding Communication issued, (ii) I believed my prior counsel was representing me in the prosecution of the '499 application, and (iii) I did not believe there was a cause for concern based on the lack of communication from my prior patent counsel.

5. As mentioned in my "Statement Supporting Petition for Revival of Patent Abandoned Unintentionally Under 37 C.F.R. 1.137(b)" filed January 24, 2008, up until my discovery on July 26, 2007 that the '499 Application was published, I believed that my prior patent counsel at Roberts Abokhair & Mardula LLC (hereinafter, "RAM") was representing me in the prosecution of the '499 Application. I did not receive any communication from my prior patent counsel regarding any action that needed to be taken regarding the '499 Application to continue prosecution of the application in order to prevent the abandonment of the application. It was my belief at that time, based on prior discussions with my prior counsel, that it took approximately seven (7) or more years from the filing of a patent application to obtain a patent. As I believed that it took approximately seven years to obtain a patent, I did not have reason to believe that a lack of communication from my prior patent counsel regarding the '499 Application before July 26, 2007 was a cause for concern.

6. After the abandonment of the '499 application and up until July 26, 2007, I did not correspond, nor have any discussions, with any party or persons regarding the application. Up until July 26, 2007, I was unaware of any issues relating to the '499 application. After I became aware of the publication the '499 application on July 26, 2007, I actively and diligently took measures to investigate the status of the application. I discussed with my husband, Jonathan Wade, that I found a publication of the application on the internet. I contacted a colleague, Traci

S. Ray, for referrals for patent attorneys that I could approach to assist me. I had no other discussions regarding the status of the application. In fact, I was still unaware that an Office Action had been issued or that the application had become abandoned. Thus, there are no documents that relate in any way to "the filing or not filing a further reply" as requested in the Decision on Petition.

7. As mentioned previously, on or about September 20, 2007, I approached a colleague, Traci S. Ray, for referrals for patent attorneys that I could approach to assist me with determining the status of the '499 application. At this time, I believed that the '499 application was put up for sale by someone or some entity without my knowledge. I was still not aware that an Office Action had been issued, or that the application had become abandoned. Ms. Ray referred me to Mr. Howard Krass. I subsequently contacted Mr. Krass, who referred me to Robert J. Irvine III at McDonnell Boehnen Hulbert & Berghoff LLP (MBHB). On or about October 1, 2007, I approached Mitch Lundeen of George, Hartz & Lundeen, who referred me to Leslie Lott at Lott & Friedland.

8. I contacted Mr. Irvine on or about September 26, 2007 in order to discuss the status of the application and determine whether to retain MBHB as patent counsel in this matter. Upon speaking to Mr. Irvine on or about September 26, 2007, I first learned that the '499 Application was abandoned for failure to respond to the Office Action issued September 20, 2004 (and subsequently reissued April 8, 2005). I also contacted Ms. Lott in early October in order to discuss the issue and determine whether to retain Lott & Friedland as patent counsel in this matter.

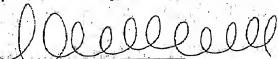
9. Upon learning of the abandoned status of the '499 application on September 26, 2007, I made efforts to retain counsel to revive the '499 application. I negotiated with both firms mentioned above in effort to decide which firm to retain as patent counsel. After a typical period

of negotiation with both firms, I decided to retain MBHB as patent counsel. After Mr. Irvine performed a conflict check and after a typical period of negotiation regarding legal fees, I signed an engagement letter to retain MBHB's services on November 29, 2007.

10. MBHB diligently prepared a response to the outstanding Communication in order to submit along with the petition to revive. MBHB filed the petition to revive and the response on January 24, 2008.

11. At no time did I deliberately chose not to seek the revival of the '499 application. Further, at no time did I deliberately choose to delay seeking the revival of the '499 application. The entire delay in seeking the revival of the '499 application was unintentional.

12. I declare that all statements made herein to my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.



Kristen McRedmond